Law Reform Commission

THIRTY-THIRD ANNUAL REPORT
2003-2004

Manitoba Law
Reform Commission

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Manitoba

Law Reform Commission

Commission de réforme du droit

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THIRTY-THIRD ANNUAL REPORT 2003-2004

March 31, 2004

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

PART I

INTRODUCTION

1. IN MEMORIAM

It was with sadness that we learned of the passing during the last year of three of our former members, Dr. Sybil Shack, Madam Justice C. Myrna Bowman and Knox B. Foster, Q.C.. Dr. Shack and Madam Justice Bowman were appointed to the Manitoba Law Reform Commission in February 1971 when the Commission began functioning and served until February 1979. Knox Foster was appointed in February 1981 and served until March 1987.

Dr. Sybil Shack

Sybil Shack, O.C., died on January 22, 2004 at the age of 92. She had been national president of the Canadian Civil Liberties Association, a director of the Canadian Teachers' Federation and president of the Manitoba Teachers Society. She was dedicated to the causes of the status of women and human rights. She wrote authoritatively and knowledgeably on topics educational. Sybil left her papers to the University of Manitoba, a magnificent gift, which elucidated her many contacts in life, as well as many insightful aspects of her philosophy and character.

Sybil resided for years with her aged and revered mother, and her adopted brother, John Hirsch, of Manitoba Theatre Centre fame. Sybil's mother twice invited the members and secretary of the Commission to a memorable dinner, obviously prepared with much care and affection on the part of both women.

Along with the care and affection which were two of Sybil's notable qualities, resided a powerful intellect. Once fairly informed, she was a quick study in regard to the law's intricacies, and rarely, if ever, required a second explanation of them. So intently did she seek to expand her knowledge, that she expressed herself content to have acquired a better knowledge of law and equity.

Sybil Shack contributed much to the intellect and insight of the Commission. She was a solid participant in the 30 formal Reports and many "informal" Reports of the Commission during her terms of office. She was a law reform Commissioner in the best sense of that designation.

"Hon. Francis C. Muldoon" (ret.)
Federal Court of Canada
Chair, Manitoba Law Reform Commission (1970-1977)

Hon. C. Myrna Bowman

Myrna Bowman, a judge of the Court of Queen's Bench (Family Division), died on March 25, 2004 at the age of 71.

The salient feature of Myrna's character was the quality of loyalty, almost to a fault. Anyone who had attracted Myrna's respect, or even a merest scintilla of her affection, could count on her lifelong intellectual and emotional loyalty, girt in bands of unrelenting steel. Myrna's salient quality of loyalty made her a joy of a colleague and a treasure as a friend. The reverse of that coin is that Myrna "did not suffer fools gladly, or at all", as her newspaper obituary declared.

Myrna was a solid participant in the several Reports of the Commission recommending law reform - some 30 formal Reports, and numerous "informal" Reports - during her term of office. Her biggest contribution to law reform was effected through two Parts of the Reports on Family Law, Part I: The Support Obligation, and Part II: Property Disposition, as well as her role as secretary of the Special Committee of three which the then government created to review the Commission's Reports, after they were submitted. Myrna was pivotal in obtaining that committee's support of the new legislation and, ultimately, the enactment of the recommended reforms. The part she played in effecting family law reform was of historic significance.

The Commission and Myrna's surviving Commissioners, will remember her all their lives.

"Hon. Francis C. Muldoon" (ret.)
Federal Court of Canada
Chair, Manitoba Law Reform Commission (1970-1977)

Knox B. Foster, Q.C.

Knox B. Foster, died on October 28, 2003, at the age of 64, surrounded by friends, after a lengthy illness.

My memories of Knox Foster extend back to the early sixties when he was a student of mine in the old Manitoba Law School. Even in those days, he impressed me as being a most conscientious and dedicated student of the Law who was able to understand complex legal issues and present his point of view effectively in all class discussions.

He articled to the leading law firm of Aikins, MacAulay & Thorvaldson and went on to practise law with them for all thirty eight years of his distinguished career. He was an excellent litigator and became the head of the firm's Medical Defense Group. Knox often said that

preparation with a thorough knowledge of the issues involved was the key to successful litigation and this was certainly the approach which won him so much acclaim in his field.

He also served his profession in many different ways including being the President of the Law Society of Manitoba, a member of the American College of Trial Lawyers and a founding member of the Advocates Society of Manitoba. He was a member of the Manitoba Law Reform Commission for six years from 1981 to 1987 and through all those years he could be counted on to make a valuable contribution to the projects in which the Commission was involved drawing on his wide experience in the practice of law. Each summer, he and his mother generously opened the family cottage at the lake so that the Commission could have a day's retreat and work on projects in a more relaxed and pleasant setting.

His passing last fall was a great shock and sorrow to all of us who had come to enjoy and appreciate his friendship over very many years. In every circumstance of life and, in particular, his last illness, he was always a very cheerful person who could be counted upon to help in any way he could with his wise counsel.

"Clifford H.C. Edwards"
President, Manitoba Law Reform Commission

2. CONGRATULATIONS

Val Werier

On a happier note, we were pleased to hear that Val Werier, Winnipeg journalist, environmentalist and former member of the Commission, was nominated for the Order of Manitoba; as we go to press, we have just heard that he is one of the distinguished few who will be invested in the Order in July of 2004. He earlier became a member of the Order of Canada in 1998 for his work in advocacy.

Val was among the first appointees to the Commission in February 1971 and served as a lay member until February 1980. Throughout those years, Val's contribution to the various projects on which the Commission was engaged and, in particular, his drafting and writing skills, ensured that our reports were always in "plain English" and therefore more easily understood by the general public. Congratulations, Val.

PART II

THE YEAR IN REVIEW
April 1, 2003 to March 31, 2004

1. REPORT ISSUED

#109 - Withholding or Withdrawing Life Sustaining Medical Treatment
(December 2003)

The report sets out fundamental principles and policies which should be reflected in the rules or framework controlling the withholding or withdrawal of life sustaining medical treatment.

The Commission favours a uniform approach applicable throughout the Province and in all health care institutions. We recommend a transparent step-by-step approach designed to secure consensus decision making between the physician and the patient or substitute decision maker without imposing an obligation on physicians to provide inappropriate medical treatment. We contemplate the use of a variety of procedures to promote the patient's interests and to secure agreement between the parties.

The Commission's preference is that the principles and procedures pertaining to withholding or withdrawing life sustaining medical treatment be embodied in a statement or by-law of the College of Physicians and Surgeons of Manitoba. It further recommends that other health care institutions, agencies, associations and bodies involved in delivering health care in Manitoba adopt the statement or by-law of the College as a template for their own protocols and procedures.

The Commission believes that its recommendations, coupled with an extensive program of public education and awareness of the end of life decision making process, will serve the citizens of Manitoba well.

We are most grateful to Prof. Philip Osborne who undertook the project mid-stream following the submissions received in response to our Discussion Paper issued in June 2002.

2. IMPLEMENTATION

Although we have seen no implementation of our Reports during the past year, we continue to receive requests for copies of our past reports. We also understand that our reports

on *Trustee Investments: The Modern Portfolio Theory* and *Wills and Succession Legislation* as well as our most recent report on *Withholding or Withdrawing Life Sustaining Medical Treatment* are under review for possible implementation in the future.

3. CURRENT PROJECTS

A. Private Title Insurance

This project was referred to us by the Minister of Justice and Attorney General and is now a joint endeavour with the Alberta Law Reform Institute and the Saskatchewan Law Reform Commission. The joint project model is new to the Commission and creates some logistical and financial challenges for us. Through negotiations undertaken by the Deputy Minister, a grant of $21,500 was obtained to help defray some of our costs.

To facilitate participation in the project, a project advisory committee, comprised of representatives of each partner agency, has been established. The committee will provide guidance to the legal research staff working on the project. Ms Phillips, our Legal Counsel, is devoting most of her time to this project and she and Mr. Bruce King, a practising lawyer with the firm of Pitblado in Winnipeg, are the Commission's representatives on the advisory committee.

At first blush, this project appears to cover a rather narrow and discrete subject matter; however, our preliminary research suggests that the topic is multi-faceted and complex. The title insurance industry is dynamic and is characterized by significant growth, competition and change which makes it a very challenging subject for law reform.

In this past fiscal year, our work has focused on understanding the nature of the title insurance product, industry practices, the Torrens land registration system, and the experience in the United States. Early in 2004, we engaged in informal consultation with "stakeholders" to identify the issues and possible options for reform. The next phase will include research on the insurance regulatory regime and the real property conveyancing system, culminating in a discussion paper to be circulated in the Prairie Provinces. Following the receipt of submissions, the Commission hopes to issue its final report before the end of fiscal year 2004-2005 or early in 2005-2006.

B. Substitute Health Care Decision Making

During our review of the draft recommendations on Withholding or Withdrawing Life Sustaining Medical Treatment, we became convinced that the issue of substitute decision making does require legal solution. At present, there is no authoritative definition of who qualifies as a substitute decision maker in Manitoba. Health care providers are forced to operate on the

assumption that a close relative may act for a patient who lacks capacity. This is an unsatisfactory state of affairs and we hope to be able to recommend legislation stipulating a hierarchy of persons who qualify as substitute decision makers and the principles on which they must base their decisions. Mr. Jonathan Penner, an independent legal researcher, has been retained to undertake this study and we hope to complete our deliberations and submit our Report to the Minister early in the new year.

C. Powers of Attorney

As a result of meetings with the law reform agencies of the Western Provinces, it was agreed that this project would be undertaken as a joint project with most of the work being undertaken by the British Columbia Law Reform Institute. A draft Discussion Paper was reviewed by our Commission in late March 2004 and it will be circulated to interested stakeholders early in the new fiscal year. Ms Phillips and Prof. Cameron Harvey of the Faculty of Law, University of Manitoba, have participated in telephone conferences with the participating agencies during the preparation of the Discussion Paper.

D. Court Costs

A reference from the Statutory Rules Committee of the Court of Queen's Bench received in March 2004. It was agreed that this was an issue worthy of the Commission's consideration. Mr. Jonathan Penner has been retained to undertake the project in the fall of 2004.

Some issues to be explored are:

- Is there a better way of assessing "solicitor and client" costs?
- As in British Columbia and Ontario, should the term "solicitor and client" costs be abandoned in favour of "increased costs" or "special costs"?
- If so, should there be a tariff for such costs?
- Should the rules stipulate under what circumstances such costs should be awarded?
- Should there be a better system for keeping the costs current, e.g., in line with inflation?
- Costs of unrepresented litigants?

E. Garnishment

In May 2003, the Minister of Justice and Attorney General requested that the Commission consider a review of the limitations (uniformity) and debtor and creditor processes and rights under *The Garnishment Act*. As commencement of the project is subject to the

government's ability to secure the necessary funding; it will be held in abeyance until that time or until such time as the Commission is able to finance it within its own budget.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

Commissioner	Affiliation	Term expires
Clifford H.C. Edwards	Dean Emeritus, Faculty of Law, University of Manitoba	May 9, 2002
John C. Irvine	Professor, Faculty of Law, University of Manitoba	August 20, 2006
Gerald O. Jewers	Justice, Court of Queen's Bench	May 9, 2002
Kathleen C. Murphy	Practising lawyer	August 20, 2006
Alice R. Krueger	Lay member	April 3, 2005

Although the terms of office of Prof. Edwards and Mr. Justice Jewers expired on May 9, 2002, their terms continue in force until new appointments have been made or their terms have been extended through Order in Council.

Prof. Edwards is the President of the Commission.

2. STAFF

There have been no changes in our staff during the past year. The employment contract for our full time Legal Counsel, Sandra Phillips, was renewed for another year. Suzanne Pelletier continues as Administrator on a part-time basis.

3. CONSULTANTS

As noted above, Prof. Philip Osborne of the Faculty of Law, University of Manitoba, was retained to undertake the project on Withholding or Withdrawing Life Sustaining Medical Treatment. Jonathan G. Penner, an independent researcher, was also retained to undertake the

project on Substitute Health Care Decision Making; he has also agreed to commence work on the Court Costs project in the fall of 2004. As noted above, Mr. Bruce King, a Winnipeg lawyer, is our representative on the advisory committee dealing with Private Title Insurance; and Prof. Cameron Harvey of the Faculty of Law, University of Manitoba, provided his comments and participated in conference calls with representatives of the other Western Provinces Law Reform agencies on the Powers of Attorney project. The Commission is most grateful to these consultants who have provided us with their guidance and expertise with no or very little remuneration. Without their assistance and dedication, the Commission would surely cease to exist.

4. FINANCE

We were again fortunate to receive a $100,000 grant from the Manitoba Law Foundation during the past year. The Department of Justice's grant was raised to $70,000, an increase of $10,000 over the previous year. When added to the $15,000 of services in-kind received from the Department in the form of free office accommodation and accounting services, their total contribution to the Commission's operations now totals $85,000. We continue to seek more stable funding from the government which would allow us to retain personnel as full time members of the civil service entitled to staff benefits, etc.

We were also pleased to learn that the Manitoba Law Foundation has approved our request for a $100,000 grant for the coming year contingent on our obtaining a matching grant from the Department Justice. However, the government made it clear that their present fiscal situation did not make this possible. We therefore renegotiated with the Foundation who agreed to remove this condition. Nevertheless, the Foundation made it clear that, due to their own fiscal constraints, this gesture could and should not be taken as a precedent for future years.

During the past year, the Deputy Minister was successful in obtaining a grant of $21,500 to help defray the cost of research of our project on Private Title Insurance. The project is still underway and we have received the first installment payment of $10,500.

5. PUBLIC RELATIONS

The release of our report on *Withholding or Withdrawing Life Sustaining Medical Treatment* in February 2004 resulted in several radio and newspaper interviews with the Commission's President, Prof. Clifford Edwards. *The Lawyers Weekly* also published an article on the *Wills and Succession Legislation* report in June of 2003.

Ms Phillips attended the Health Care Ethics Seminar at St.Boniface Hospital in May 2003 as well as the Pitblado Lectures on Elder Law and the Manitoba Bar Association Mid-winter meeting.

An article by Prof. Vince Morabito of Monash University (Victoria, Australia) *Judicial Supervision of Individual Settlements with Class Members in Australia, Canada, and the United States*, in which he cites our report on *Class Proceedings* was published in the *Texas International Law Journal* in 2003. An article published in the December issue of *Headnotes and Footnotes* by Jacob D. Giesbrecht, member at large of the Manitoba Bar Association Wills and Estates Section, critiqued the recommendations contained in our report on *Wills and Succession Legislation* setting out those which they opposed. As there were 77 recommendations and the Bar Association section only opposed 5, we think this reflects an overall acceptance of the report by the practising bar. The *Commonwealth Law Bulletin* (Vol. 27, No. 2, 2001) also contains a summary of our Report on *Good Faith and The Individual Contract of Employment*.

We continue to submit articles for publication in *Headnotes and Footnotes* (a publication of the Law Society of Manitoba) and *Reform* (a publication of the Australian Law Reform Commission.

PART IV

CONCLUSION

As can be seen from our remarks on our financial position, the future of the Commission continues to be financially precarious. We have made the government aware of this and the Minister of Justice has kindly agreed to facilitate a conference of the stakeholders of the Commission to see what can be done to place the Commission on a more stable foundation in the future.

The generous support of the Manitoba Law Foundation is, of course, most appreciated. Without their assistance, we would be hard pressed to make ends meet.

As always, we enjoy a good working relationship with the Faculty of Law at the University of Manitoba, the librarians at the Provincial Archives and Legislative Library, the E.K. Williams Library and the Department of Justice Library, as well as the staff of the Administration and Finance Branch of the Department of Justice.

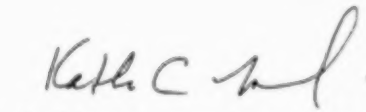
We look forward to the continued support and assistance of the Deputy Minister, Bruce McFarlane, and his staff during the coming year and thank them for obtaining the necessary funds for one of our projects. Lastly, we wish to thank the Minister of Justice and Attorney General, Hon. Gord Mackintosh, who continues to express his praises of the work of the Commission and we look forward the "brainstorming" session he has agreed to facilitate during the coming year.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2004.

Clifford H.C. Edwards, President

John C. Irvine, Commissioner

Gerald O. Jewers, Commissioner



Kathleen C. Murphy, Commissioner

Alice R. Krueger, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2003-2004 Fiscal Year (000's)

RECEIPTS	
Funds carried forward	$28.9
Grant from Department of Justice	70.0[1]
Grant from The Manitoba Law Foundation	100.0
Grant from The Law Society of Manitoba	10.5[2]
Total	**$209.4**
EXPENDITURES	
Commissioners' remuneration and benefits	$41.7
Legal counsel's remuneration	60.0
Administrator's remuneration	26.0
Student	5.2
Consultants	16.9
Telephone, fax, postage, courier	4.3
Supplies and services	0.7
Printing and photocopying	9.9
Computer related expenses	7.6
Meetings, travel and accommodation	0.5
Subscriptions and other operating	0.8
Membership fees	0.2
Total	**$173.8**
Surplus(Deficit)	**$35.6**[3]

[1]In addition to its grant, the Department of Justice also provides the Commission with free accounting services and office accommodation, a savings of approximately $15,000.

[2]The Department of Justice negotiated with the Law Society of Manitoba to fund the research for our project on Private Title Insurance to a maximum of $21,500. This represents the first installment payment of that grant.

[3]In addition to the last installment payment of $25,000 from the Law Foundation of Manitoba which was received on March 31, 2004, this amount includes a portion of the fee of $12,000 agreed upon with our consultant on the Substitute Health Care Decision Making project which is to be completed during the next fiscal year.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34
			An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11)
			An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))

Report #	Title	Date	Implementation of Commission's Recommendations
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23

Report #	Title	Date	Implementation of Commission's Recommendations
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3

Report #	Title	Date	Implementation of Commission's Recommendations
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50

Report #	Title	Date	Implementation of Commission's Recommendations
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)

Report #	Title	Date	Implementation of Commission's Recommendations
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46

Report #	Title	Date	Implementation of Commission's Recommendations
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	-
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14

Report #	Title	Date	Implementation of Commission's Recommendations
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	-
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-

Report #	Title	Date	Implementation of Commission's Recommendations
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	The Class Proceedings Act, S.M. 2001-2002, c. 14
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
#101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
#102	Informal Assessment of Competence	September 1999	-

Report #	Title	Date	Implementation of Commission's Recommendations
#103	Adult Protection and Elder Abuse	December 1999	-
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
#104	Compensation of Vaccine-Damaged Children	June 2000	-
#105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13
#106	The Legislative Assembly and Conflict of Interest	December 2000	The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49
	Thirtieth Annual Report	March 31, 2001	(not applicable)
#107	Good Faith and the Individual Contract of Employment	December 2001	-
	Thirty-first Annual Report	March 31, 2002	(not applicable)
#108	Wills and Succession Legislation	March 11, 2003	-
	Thirty-second Annual Report	March 31, 2003	(not applicable)
#109	Withholding or Withdrawing Life Sustaining Medical Treatment	December 18, 2003	-
	Thirty-third Annual Report	March 31, 2004	(not applicable)